

**COMBINED DECLARATION AND POWER OF ATTORNEY  
FOR UTILITY PATENT APPLICATION**

**Docket No. 259.PF2.US**

AS A BELOW-NAMED INVENTOR, I HEREBY DECLARE THAT:

My residence, post office address and citizenship are as stated below next to my name.

I BELIEVE I AM THE ORIGINAL, FIRST AND SOLE INVENTOR (if only one name is listed below)  
OR AN ORIGINAL, FIRST AND JOINT INVENTOR (if more than one name is listed below) OF THE  
SUBJECT MATTER WHICH IS CLAIMED AND FOR WHICH A PATENT IS SOUGHT ON THE  
INVENTION

ENTITLED: METHOD AND COMPOSITIONS FOR IDENTIFYING ANTI-HIV THERAPEUTIC  
COMPOUNDS

the specification of which:

(check one) ☐ is attached hereto:

I.A. was filed on November 6, 2003 as

Application Serial No. 10/554,287

and was amended on \_\_\_\_\_;  
(if applicable)

I HAVE REVIEWED AND UNDERSTAND THE CONTENTS OF THE ABOVE-IDENTIFIED  
SPECIFICATION, INCLUDING THE CLAIMS, AS AMENDED BY ANY AMENDMENT REFERRED  
TO ABOVE.

I acknowledge and understand that I am an individual who has a duty to disclose information  
which is material to the patentability of the claims of this application in accordance with Title 37,  
Code of Federal Regulations, §§ 1.56(a) and (b) which state:

"(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

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(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
  - (i) Opposing an argument of unpatentability relied on by the Office, or
  - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability."

**CLAIM FOR BENEFIT OF PRIOR U.S. APPLICATION(S)**  
(34 U.S.C. § 119(e))

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States application(s) listed below:

<u>PCT/US03/12901</u>	filed	<u>April 25, 2003</u>
<u>PCT/US03/12943</u>	filed	<u>April 25, 2003</u>
<u>PCT/US03/12926</u>	filed	<u>April 25, 2003</u>
<u>60/375,665</u>	filed	<u>April 26, 2002</u>
<u>60/375,834</u>	filed	<u>April 26, 2002</u>
<u>60/375,779</u>	filed	<u>April 26, 2002</u>
<u>60/375,622</u>	filed	<u>April 26, 2002</u>

I do not know and do not believe this invention was ever known or used in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to said application. This invention was not in public use or on sale in the United States of America more than one year prior to this application. This invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on any application filed by me or my legal representatives or assigns more than twelve months prior to this application.

I hereby appoint the following attorneys and agents to prosecute said application and to transact all business in the Patent and Trademark Office connected therewith and to file, to prosecute and to transact all business in connection with all patent applications directed to said invention:

Mark L. Bosse – Reg. No. 35,071  
Max D. Hensley - Reg. No. 27,043  
Allan N. Kutzenco – Reg. No. 38,945  
Melissa Basch – Reg. No. 56,159

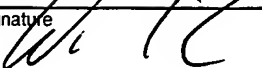

and:

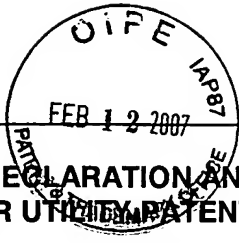
Address all correspondence to: **GILEAD SCIENCES, INC.**  
333 Lakeside Drive  
Foster City, California 94404

Address all telephone calls to: Allan Kutzenco at 650-522-6101.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of First Inventor Gabriel Birkus	Signature <i>Gabriel Birkus</i>	Date 2/5/07
Residence 1266 Stanyan Street #4, San Francisco, California 94117		Citizenship Slovak Republic
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Post Office Address same as above		
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Full Name of Fourth Inventor Tomas Cihlar	Signature <i>Tomas Cihlar</i>	Date 2/5/2007
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Post Office Address Same as above		
Full Name of Sixth Inventor Marcos Hatada	Signature <i>Marcos Hatada</i>	Date 2/5/07
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Full Name of Seventh Inventor Gong-Xin He	Signature <i>Gong-Xin He</i>	Date 02/05/2007
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Full Name of Eighth Inventor Choung U. Kim	Signature <i>Choung U. Kim</i>	Date 2/05/2007
Residence 1750 Elizabeth Street, San Carlos, California 94070		Citizenship United States
Post Office Address		

Full Name of Ninth Inventor William A. Lee	Signature 	Date 2.07.07
Residence 749 Anderson Drive, Los Altos, California 94024		Citizenship United States
Post Office Address		
Full Name of Tenth Inventor Martin J. McDermott	Signature	Date
Residence 7300 Island Circle, Boulder, Colorado 80301		Citizenship United States
Post Office Address		
Full Name of Tenth Inventor Sundaramoorthi Swaminathan	Signature 	Date 2/5/07
Residence 2858 Hillside Drive, Burlingame, California 94010		Citizenship India
Post Office Address		



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Full Name of First Inventor <b>Gabriel Birkus</b>	Signature	Date
Residence <b>1266 Stanyan Street #4, San Francisco, California 94117</b>	Citizenship <b>Slovak Republic</b>	
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Full Name of Second Inventor <b>James M. Chen</b>	Signature	Date
Residence <b>4015 Marblehead Drive, San Ramon, California 94583</b>	Citizenship <b>United States</b>	
Post Office Address <b>same as above</b>		
Full Name of Third Inventor <b>Xiaowu Chen</b>	Signature	Date
Residence <b>377 Laurie Meadows Drive, #319, San Mateo, California 94403</b>	Citizenship <b>United States</b>	
Post Office Address <b>Same as above</b>		
Full Name of Fourth Inventor <b>Tomas Cihlar</b>	Signature	Date
Residence <b>740 Chebec Lane, Foster City, California 94404</b>	Citizenship <b>Czech Republic</b>	
Post Office Address <b>Same as above</b>		
Full Name of Fifth Inventor <b>Eugene J. Eisenberg</b>	Signature	Date
Residence <b>236 Club Drive, San Carlos, California 94070</b>	Citizenship <b>United States</b>	
Post Office Address <b>Same as above</b>		
Full Name of Sixth Inventor <b>Marcos Hatada</b>	Signature	Date
Residence <b>2000 Walnut Avenue #G302, Fremont, California 94538</b>	Citizenship <b>United States</b>	
Post Office Address <b>Same as above</b>		
Full Name of Seventh Inventor <b>Gong-Xin He</b>	Signature	Date
Residence <b>11480 Chanson Lane, Cupertino, California 95014</b>	Citizenship <b>China</b>	
Post Office Address <b>Same as above</b>		
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